

9 FAM 42.71 Notes

(TL:VISA-285; 05-17-2001)

9 FAM 42.71 N1 Schedule of Fees

(TL:VISA-285; 05-17-2001)

The Secretary of State has prescribed separate fees for the processing of the immigrant visa application and the issuance of the visa. An additional application fee is charged for persons selected for the Diversity Program. The fees are specified in 22 CFR 22.1.

9 FAM 42.71 N2 Collection of Fees

9 FAM 42.71 N2.1 Application Fee

9 FAM 42.71 N2.1-1 Collecting the Application Fee

(TL:VISA-285; 05-17-2001)

a. The Department has published an interim regulation which requires an applicant for an immigrant visa to pay the visa processing fee prior to making a formal application. This new regulation will be phased in to ensure that any unanticipated problems are resolved prior to world-wide application. With the exception of the posts listed below, consular officers at most posts shall continue to collect the visa processing fee immediately prior to the visa interview. Applicants applying at the posts listed below will be required to pay the visa processing fee upon being notified that a visa is likely to become available in the near future. The fee must be paid before the applicant is scheduled for an appointment to make a formal application. The posts currently designated by the Department for advanced payment of the application fee are:

Bogota, Colombia

Manila, Philippines

Ciudad Juarez, Mexico

Montreal, Canada

Freetown, Sierra Leone

Port au Prince, Haiti

Georgetown, Guyana

Santo Domingo, Dominican Republic

Guangzhou, China

Tirana, Albania

9 FAM 42.71 N2.1-2 No Second Application Fee

(TL:VISA-285; 05-17-2001)

The post shall not collect a second application fee if the:

(1) Previously refused alien is issued a visa on the basis of the relief provided in INA 212(g), (h) or (i), or any similar provision of law or if evidence is presented to overcome the refusal within one year of the date of refusal;

(2) Alien requests a reopening of the case within one year from the date the visa was originally refused [see 22 CFR 42.81(e)];

(3) Visa was previously refused because the medical examination disclosed that the alien might be ineligible under INA 212(a)(1) and the examining physician requested that the applicant undergo follow-up examinations or tests prior to making a final decision;

(4) Visa was previously refused solely for the absence of a document which is available only from a U.S. Government agency, and if it is apparent that the failure of the alien to present the document was due to the U.S. Government agency's delay in providing it;

(5) Final decision on the application is delayed pending the receipt of an advisory opinion from the Department or the completion of investigations initiated by the Department or the post; or

(6) Original refusal was based on a consular error.

9 FAM 42.71 N2.2 Collecting the Issuance Fee

(TL:VISA-285; 05-17-2001)

Applicants who have completed the visa interview must pay the visa issuance fee after completing the view interview and prior to the issuance of the visa.

9 FAM 42.71 N3 Refund of Immigrant Visa Fees

9 FAM 42.71 N3.1 Refunding the Processing Fee

(TL:VISA-285; 05-17-2001)

The visa processing fee is refundable only if the principal officer or the officer in charge of the consular section determines notification that a visa was available to an applicant was sufficiently erroneous so as to preclude the applicant from being processed for a visa.

9 FAM 42.71 N3.2 Refunding the Application Fee

(TL:VISA-285; 05-17-2001)

The visa application fee is refundable only if the principal officer or the officer in charge of the consular section determines:

(1) The visa was issued in error; or

(2) The visa could not be used as a result of U.S. Government action over which the alien had no control and for which the alien was not responsible.

9 FAM 42.71 N4 Diversity Visa Fees

(TL:VISA-285; 05-17-2001)

See 9 FAM 42.33 N10 and subnote.